

# COUNCIL OF THE COUNTY OF MAUI

## **A G E N D A**

Regular Meeting of January 18, 2013

9:00 a.m.

Meeting Site: Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

Remote Testimony Sites: Hana Council District Office – Hana Community Center, 5091 Uakea Road, Hana, Hawaii  
Lanai Council District Office – Lanai Community Center, 8th Street, Lanai City, Hawaii  
Molokai Council District Office – 100 Ainoa Street, Kaunakakai, Hawaii

website: <http://www.mauicounty.gov/county/clerkSub/Agenda.php>.  
e-mail: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

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### ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

REMOTE TESTIMONY SITES: Oral testimony may be received by telephone from each of the Council district offices noted above. If the audio connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of the County Clerk (808-270-7748) prior to the meeting. While oral testimony is being received the district offices cannot provide other services. The audio connection will be terminated after all oral testimony has been received.

If written testimony is submitted at the meeting site, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

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A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER MICHAEL B. WHITE

C. PLEDGE OF ALLEGIANCE

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D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ - "CONGRATULATING SAMANTHA KAULANANAPUA ANE FOR BEING SELECTED TO THE 2012 AMERICAN VOLLEYBALL COACHES ASSOCIATION DIVISION II EAST REGION TEAM AND FOR BEING NAMED THE 2012 NORTHEAST-10 CONFERENCE SETTER OF THE YEAR"

NO. \_\_\_\_\_ - "RECOGNIZING THE MONTH OF JANUARY 2013 AS POVERTY AWARENESS MONTH IN MAUI COUNTY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of November 2, 2012  
Special Meeting of November 13, 2012  
Regular Meeting of November 16, 2012  
Public Hearing of November 27, 2012

H. COMMITTEE REPORTS:

NONE.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 13-2 - COUNCILMEMBER COUCH, relating to Council Members' reports on the West Maui Taxpayers Association's annual meeting.

NO. 13-3 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended December 2012.

NO. 13-4 - COUNCIL CHAIR BAISA, relating to referral of matters from the 2011-2013 Council term that were referred to the Council Chair for the 2013-2015 term at the Council meetings of December 7, 2012 and December 21, 2012.

NO. 13-5 - COUNCIL CHAIR BAISA, relating to referral of various matters pending at the end of the 2011-2013 Council term that were referred to the Council Chair for the 2013-2015 term.



1. COUNTY COMMUNICATIONS (continued):

- NO. 13-6 - COUNCIL CHAIR BAISA, relating to referral of various matters that were referred to the Council Chair for the 2013-2015 term pursuant to recommendations in committee reports adopted on December 21, 2012.
- NO. 13-7 - COUNCIL CHAIR BAISA, relating to the referral of Committee Reports 12-146 and 12-153 that were referred to the Council Chair for the 2013-2015 term at the council meetings of December 7, 2012 and December 21, 2012.
- NO. 13-8 - COUNCIL CHAIR BAISA, transmitting a draft resolution entitled "APPOINTING THE COUNTY AUDITOR".
- NO. 13-9 - COUNCILMEMBER WHITE, relating to the matter of an independent subcontractor of the Maui Visitors Bureau.
- NO. 13-10 - MAYOR, relating to utilizing the office space adjacent to the Division of Motor Vehicle and Licensing, Department of Finance on Molokai to facilitate enhanced public participation in Council meeting.
- NO. 13-11 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE".
- NO. 13-12 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF FIRE AND PUBLIC SAFETY".
- NO. 13-13 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE".
- NO. 13-14 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF WATER SUPPLY".

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1. COUNTY COMMUNICATIONS (continued):

NO. 13-15 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PROSECUTING ATTORNEY".

NO. 13-16 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF TRANSPORTATION".

NO. 13-17 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, SPECIAL MAINTENANCE PROGRAM – GENERAL FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2013".

NO. 13-18 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2013, AFFORDABLE HOUSING FUND, FISCAL YEAR 2013 AFFORDABLE HOUSING PLAN, KULAMALU WORKFORCE HOUSING PROJECT".

NO. 13-19 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, KALANA O MAUI CAMPUS EXPANSION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3954, BILL NO. 46 (2012), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (KALANA O MAUI CAMPUS EXPANSION)".



1. COUNTY COMMUNICATIONS (continued):NO. 13-20 - BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2013, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND, WEST MAUI LAND ACQUISITION";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WEST MAUI COMMUNITY PLAN, OTHER PROJECTS, WEST MAUI LAND ACQUISITION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3954, BILL NO. 46 (2012), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (WEST MAUI LAND ACQUISITION)"; and
4. A proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTIES AT LAUNIUPOKO, MAUI, HAWAII".

NO. 13-21 - BUDGET DIRECTOR, transmitting a proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE OFFICE OF THE MAYOR FISCAL YEAR 2013 BUDGET".

NO. 13-22 - COUNCIL CHAIR BAISA, transmitting an email from Larry Tool of I Aloha Molokai, relating to the presentation of their video "Our Molokai".

NO. 13-23 - COUNCIL CHAIR BAISA, transmitting a letter from Susie Thieman, President of Maui Non-profit Directors offering to do a power-point presentation on the activities of their membership.

NO. 13-24 - COUNCIL CHAIR BAISA, relating to appeals to the Residential Workforce Housing Policy.

NO. 13-25 - COUNCIL CHAIR BAISA, relating to bus transportation programs.

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-26 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING GRANT OF EASEMENT FOR SEWERLINE PURPOSES AND APPROVING TERMINATION OF EASEMENT FOR THE MAUI MALL SUBDIVISION, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".
- NO. 13-27 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a draft resolution entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY INTERESTS AT WAILUKU, MAUI, HAWAII".
- NO. 13-28 - COUNCILMEMBER VICTORINO, relating to the dedication of Eha Street, Wailuku, Hawaii.
- NO. 13-29 - COUNCILMEMBER VICTORINO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.26, MAUI COUNTY CODE, PERTAINING TO POLYSTYRENE DISPOSABLE FOOD SERVICE CONTAINERS".
- NO. 13-30 - COUNCILMEMBER VICTORINO, relating to the matter of prohibiting parking on Kahawai Street, from Market Street to Makua Lane, in Wailuku.
- NO. 13-31 - COUNCILMEMBER VICTORINO, relating to prohibiting of passengers riding in a bed of a vehicle.
- NO. 13-32 - COUNCILMEMBER VICTORINO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE PROHIBITING THE USE OF CERTAIN VEHICLES WITH A WEIGHT RATING OF MORE THAN TEN THOUSAND POUNDS ON KUHINIA STREET, WAIHEE, MAUI, HAWAII".
- NO. 13-33 - COUNCILMEMBER VICTORINO, transmitting a proposed resolution entitled "ADOPTING THE PRINCIPLES OF ZERO WASTE AS A WASTE MANAGEMENT POLICY FOR THE COUNTY OF MAUI".
- NO. 13-34 - COUNCILMEMBER VICTORINO, transmitting the following proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND SECTION 3.44.015, MAUI COUNTY CODE, RELATING TO ACQUISITION AND DISPOSITION OF REAL PROPERTY".



1. COUNTY COMMUNICATIONS (continued):

- NO. 13-35 - COUNCILMEMBER WHITE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, TO ESTABLISH A CROSSWALK ON BALDWIN AVENUE FRONTING PAIA ELEMENTARY SCHOOL AND TO AMEND THE DESCRIPTION OF THE CROSSWALK ON BALDWIN AVENUE FRONTING ALFRED 'FLAKO' BOTEILHO, SR., GYM".
- NO. 13-36 - COUNCIL CHAIR BAISA, relating to requests for Council approval of affordable housing projects pursuant to Chapter 201H, Hawaii Revised Statutes.
- NO. 13-37 - PLANNING DIRECTOR, relating to an application submitted by Jay Hiraide, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING JAY HIRAIDE A CONDITIONAL PERMIT TO ALLOW BUSINESS/OFFICE USE WITHIN THE COUNTY R-3 RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT TAX MAP KEY (2) 3-4-043:007, 295 WAIIEHU BEACH ROAD, WAILUKU, MAUI, HAWAII", and related documents.
- NO. 13-38 - PLANNING DIRECTOR, relating to an application submitted by Munekiyo & Hiraga, Inc. on behalf of Ameron Hawaii, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE OPERATION OF A CONCRETE BATCHING PLANT WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 3-8-004:002 (POR.), KIHAI, MAUI, HAWAII", and related documents.
- NO. 13-39 - COUNCILMEMBER COUCH, transmitting a proposed resolution entitled, "APPROVING THE ORDER OF THE NINE COMMUNITY PLANS FOR THE 2030 GENERAL PLAN UPDATE".
- NO. 13-40 - COUNCIL CHAIR BAISA, transmitting a letter from Gwen Ohashi Hiraga, Munekiyo & Hiraga, Inc., submitting a copy of the "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA, JANUARY 3, 2013" in accordance with Condition 22 of Ordinance No. 3613.
- NO. 13-41 - COUNCIL CHAIR BAISA, relating to litigation matters.
- NO. 13-42 - COUNCIL CHAIR BAISA, relating to nominations to boards, committees, and commissions.

1. COUNTY COMMUNICATIONS (continued):

NO. 13-43 - COUNCIL CHAIR BAISA, relating to matters pertaining to the Hawaii State Association of Counties.

NO. 13-44 - COUNCIL CHAIR BAISA, relating to the Maui County Legislative Package.

NO. 13-45 - COUNCIL CHAIR BAISA, relating to amendments to the Rules of the Council.

NO. 13-46 - MAYOR, transmitting a draft resolution entitled "APPOINTMENT OF A MEMBER TO THE SALARY COMMISSION" submitting the nomination of Carol Reimann, replacing Johanna Amarin to the Salary Commission.

NO. 13-47 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for November 2012.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

L. UNFINISHED BUSINESS:

NONE.

**NOTE:** ITEMS LISTED ON THE AGENDA MAY BE INSPECTED AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII, PRIOR TO THE MEETING DATE. PHOTOCOPIES MAY BE ORDERED, SUBJECT TO CHARGES IMPOSED BY LAW (MAUI COUNTY CODE, SECTION 2.64.010). PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK TO MAKE ARRANGEMENTS FOR INSPECTION OR PHOTOCOPYING OF DOCUMENTS.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.